

CIVIL COVER SHEET

17-R-5085

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

ERESE ROSEMBERT

(b) County of Residence of First Listed Plaintiff DELAWARE
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Robert Katz, Esquire
PO Box 1413
Havertown, PA 19083 (610) 789-3240

DEFENDANTS

GARY GANTT, JR., AND
PHILADELPHIA SIGN COMPANY

County of Residence of First Listed Defendant BURLINGTON, NJ
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Krishna Bhavsar Varma, Esquire
1500 Market St., Suite 2920
Philadelphia, PA 19102 (267) 675-3030

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> X | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> | <input checked="" type="checkbox"/> 2 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> | <input type="checkbox"/> |
| Incorporated or Principal Place of Business In This State | <input type="checkbox"/> | <input type="checkbox"/> |
| Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> | <input type="checkbox"/> |
| Foreign Nation | <input type="checkbox"/> | <input type="checkbox"/> |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
28 USC Section 1446(c) (3)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

Krishna Bhavsar Varma

DOCKET NUMBER

DATE

11/13/17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

NOV 13 2017

UNITED STATES DISTRICT COURT

17 5085

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 311 N. Sycamore Ave., Apt A5, Clifton Heights, PA 19018

Address of Defendant: 5053 Courtney Way, Mt. Laurel, NJ; 707 W Spring Garden, Palmyra, NJ

Place of Accident, Incident or Transaction: Route 1 and Bustleton Ave, Phila., PA

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify) _____
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/13/17

Attorney-at-Law

308131

Attorney I.D.#

NOV 13 2017

WB

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

ERESE ROSEMBERT

CIVIL ACTION

v.

GARY GANTT, JR., AND
PHILADELPHIA SIGN COMPANY

NO. **17** **5085**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

11/13/2017

Krishna Bhavsar Varma

Date

Attorney-at-law

Attorney for Defendants

267-675-3030

267-675-3036

kvarma@travelers.com

Telephone

FAX Number

E-Mail Address

(Civ. 660) 10/02

NOV 13 2017

\$400
V.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERESE ROSEMBERT

v.

GARY GANTT, JR. and
PHILADELPHIA SIGN COMPANY

NO.:

17

5085

NOTICE OF REMOVAL

Defendants, Gary Gantt, Jr. and Philadelphia Sign Company, by and through their attorney, Krishna Bhavsar Varma, Esquire of William J. Ferren & Associates files his Notice of Removal and in support avers as follows:

1. Plaintiff's counsel filed this instant lawsuit by filing a Complaint with the Court of Common Pleas of Philadelphia County at docket number: 170700036. (See attached Plaintiff's Complaint attached hereto and marked as Exhibit "A.")
2. Plaintiff, Erese Rosembert, is a resident of the State of Pennsylvania, 311 N. Sycamore Avenue, Apartment A5, Clifton Heights, PA 19018.
3. Defendant, Gary Gantt, Jr., is a resident of the State of New Jersey, 820 Camelot Court, Cinnaminson, NJ 08077-1567. (See attached Affidavit of Gary Gantt, Jr., filed by Plaintiff's counsel attached hereto and marked as Exhibit "B")
4. Defendant, Philadelphia Sign Company, 707 West Spring Garden Street, Palmyra, NJ 08065. (See attached Affidavit of Philadelphia Sign Company, filed by Plaintiff's counsel attached hereto and marked as Exhibit "C")

5. Complete diversity exists in this matter as Plaintiff is a resident of the Commonwealth of Pennsylvania and Defendants are citizens of the State of New Jersey.
6. Plaintiff is alleging serious and permanent injuries and scarring in, on and about her person, more particularly: shoulder surgery, detached tear at anteroinferior labrum with joint dislocation, cervical sprain and strain, thoracic sprain and strain, lumbar sprain and strain, headaches, with resultant injuries to nerves, muscle ligaments, discs, bones, cartilage and blood vessels thereof, possible aggravation, activation, precipitation, instigation, and aggravation of any pre-existing asymptomatic conditions and other severe injuries in, on about her body; all of which have caused her great pain, suffering and inconvenience and have prevented her from attending to her usual and customary duties, avocations and occupation, all of which have caused her to sustain great financial damage and a loss of earning and earnings power, all of which may continue for an indefinite time into the future and may be permanent in nature and character. See Exhibit "A" at ¶10.
7. Furthermore, it was determined upon receipt of Plaintiff Erese Rosembert's Case Management Conference Memorandum on October 17, 2017; and upon speaking with Plaintiff's Counsel at said conference on October 17, 2017 that the amount in controversy in this matter is in excess of the sum of Seventy Five Thousand Dollars (\$75,000.00), exclusive of interest and costs. Plaintiff has made a demand of \$250,000 in this matter. See Plaintiff's Case Management Conference Memorandum attached hereto and marked as Exhibit "D".
8. Plaintiff had right shoulder anterior capsular labral reconstruction and posterior inferior capsulorrhaphy. See Exhibit "D".

9. Venue lies in this Court as the accident giving rise to this suit occurred within this District.

10. This Notice of Removal is filed timely, pursuant to 28 USC §1446(C)(3) wherein if the case stated by the initial pleading is not removable, a notice of removal may be filed within thirty days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may first be ascertained that the case is one which is or has become removable, which thereby allows Defendants to remove, pursuant to 28 USC §1332(a) on the basis of diversity of citizenship jurisdiction.

11. The Complaint filed by Plaintiff is a civil action over which the United States District Court has original jurisdiction, pursuant to 28 USC §1332(a); and, therefore, this action may be removed to the United States District Court pursuant to 28 USC §1332(A).

WHEREFORE, Defendants, Gary Gantt, Jr., and Philadelphia Sign Company, respectfully requests that this case proceed in its entirety in the United States District Court for the Eastern District of Pennsylvania.

Respectfully Submitted,

WILLIAM J. FERREN & ASSOCIATES

BY:/s/ KRISHNA S. BHAVSAR VARMA, ESQUIRE

Attorney for Defendant

☐Plaintiff ☒Defendant ☐Other:

Supreme Court I.D. No. 308131

E-Mail Address: kvarma@Travelers.com

Phone Number: (267) 675-3030

**Street Address: 1500 Market Street, Suite 2920
Philadelphia, PA 19102**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERESE ROSEMBERT

v.

GARY GANTT, JR. and
PHILADELPHIA SIGN COMPANY

:
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:

NO.:

CERTIFICATE OF SERVICE

I, Krishna Bhavsar Varma, Esquire, do hereby certify that a true and correct copy of the Notice of Removal was filed with the United States District Court for the Eastern District of Pennsylvania and copies were sent to the following parties via United States mail (and also e-filing), postage pre-paid on November 13, 2017.

**Robert Katz, Esquire
P.O. Box 1413
Havertown, PA 19083**

WILLIAM J. FERREN & ASSOCIATES

BY: /s/ KRISHNA S. BHAVSAR VARMA, ESQUIRE

Attorney for Defendants

☐ Plaintiff ☒ Defendant ☐ Other:

Supreme Court I.D. No. 308131

E-Mail Address: kvarma@Travelers.com

Phone Number: (267) 675-3030

**Street Address: 1500 Market Street, Suite 2920
Philadelphia, PA 19102**

EXHIBIT "A"

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

JULY 2017

000036

E-Filed Number: 1706071372

PLAINTIFF'S NAME ERESE ROSEMBERT		DEFENDANT'S NAME GARY GANTT JR	
PLAINTIFF'S ADDRESS 311 N. SYCAMORE AVENUE APT. A5 CLIFTON HEIGHTS PA 19018		DEFENDANT'S ADDRESS 115B WILLOW TURN MOUNT LAUREL NJ 08054	
PLAINTIFF'S NAME		DEFENDANT'S NAME PHILADELPHIA SIGN COMPANY, ALIAS: D/B/A A/K/A PHILADELPHIA SIGN COMPANY, INC.	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS 707 WEST SPRING GARDEN STREET PALMYRA NJ 08065	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input checked="" type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input checked="" type="checkbox"/> Savings Action <input checked="" type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input checked="" type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input checked="" type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2V - MOTOR VEHICLE ACCIDENT			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		FILED PRO PROTHY JUN 30 2017 M. BRYANT	
		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>ERESE ROSEMBERT</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY ROBERT KATZ		ADDRESS PO BOX 1413 HAVERTOWN PA 19083	
PHONE NUMBER (610) 789-3240	FAX NUMBER (610) 789-2767		
SUPREME COURT IDENTIFICATION NO. 45016		E-MAIL ADDRESS robertkatzlaw@yahoo.com	
SIGNATURE OF FILING ATTORNEY OR PARTY ROBERT KATZ		DATE SUBMITTED Friday, June 30, 2017, 03:32 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

LAW OFFICES OF ROBERT KATZ

BY: ROBERT KATZ, ESQUIRE

I.D. No.: 45016

BY: TIMOTHY A. LESINSKI, ESQUIRE

I.D. No.: 207438

275 E. Township Line Road

P.O. Box 1413

Havertown, PA 19083

(610) 789-3240

MAJOR NON-JURY.



ERESE ROSEMBERT
311 N. Sycamore Avenue, Apt. A5
Clifton Heights, PA 19018
Plaintiff

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

-v.-

JUNE TERM, 2017

GARY GANTT, JR.
115B Willow Turn
Mount Laurel, NJ 08054

*505 Courtney Way
Mt Laurel NJ, 08054*

NO.:

and
PHILADELPHIA SIGN COMPANY d/b/a
a/k/a PHILADELPHIA SIGN COMPANY, INC
707 West Spring Garden Street
Palmyra, NJ 08065
Defendants

CIVIL ACTION - COMPLAINT
MOTOR VEHICLE ACCIDENT - 2V

NOTICE TO DEFEND

AVISO

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIMS SET FORTH IN THE FOLLOWING PAGES, YOU MUST TAKE ACTION WITHIN TWENTY (20) DAYS AFTER THIS COMPLAINT AND NOTICE ARE SERVED, BY ENTERING A WRITTEN APPEARANCE PERSONALLY OR BY ATTORNEY AND FILING IN WRITING WITH THE COURT YOUR DEFENSES OR OBJECTIONS TO THE CLAIMS SET FORTH AGAINST YOU. YOU ARE WARNED THAT IF YOU FAIL TO DO SO THE CASE MAY PROCEED WITHOUT YOU AND A JUDGMENT MAY BE ENTERED AGAINST YOU BY THE COURT WITHOUT FURTHER NOTICE FOR ANY MONEY CLAIMED IN THE COMPLAINT OR FOR ANY OTHER CLAIM OR RELIEF REQUESTED BY THE PLAINTIFF. YOU MAY LOSE MONEY OR PROPERTY OR OTHER RIGHTS IMPORTANT TO YOU.

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VEINTI (20) DIAS DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORTE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SE O AVISADO QUE SI USTED NO SE PRESENTA, LA CORTE TOMARA MEDIDAS Y PUEDEN CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADENAS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

LAWYER REFERENCE SERVICE
1101 MARKET STREET
PHILADELPHIA, PA 19107
TELEPHONE: (215) 238-1701

LAWYER REFERENCE SERVICE
1101 MARKET STREET
PHILADELPHIA, PA 19107
TELEPHONE: (215) 238-1701

Case ID: 170700036

COUNT I

**ERESE ROSEMBERT vs. GARY GANTT, JR
and PHILADELPHIA SIGN COMPANY d/b/a
a/k/a PHILADELPHIA SIGN COMPANY, INC.**

And Now, comes the Plaintiff, by her undersigned counsel, who avers as follows:

1. The Plaintiff, **ERESE ROSEMBERT**, is an adult individual and maintains a place of residence at the above-captioned address.

2. The Defendant, **GARY GANTT, JR.**, is an adult individual and maintains a place of residence at the above-captioned address.

3. The Defendant, **PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC.**, is a corporation and/or business for profit, operating within the laws of the Commonwealth of Pennsylvania with a principal place of business and/or registered office for the acceptance of service at the above-captioned address.

4. Defendants, **PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC.**, is a business entities legally authorized to conduct business in Pennsylvania, which maintain principal places of business in the City and County of Philadelphia, and/or regularly conduct business in the city and County of Philadelphia.

5. On or about November 4, 2015, at or around 7:00 a.m., the Plaintiff, **ERESE ROSEMBERT** was the operator of a motor vehicle traveling southbound on Route 1 at Bustleton Avenue, Philadelphia County, Commonwealth of Pennsylvania.

6. On that same date, time, and location, the Defendant, **GARY GANTT, JR.**, was the operator of the motor vehicle involved in the accident.

7. The Defendant, **GARY GANTT, JR.**, suddenly and without warning merged into the Plaintiff's lane of traffic on a red light striking the Plaintiff's vehicle, causing her to suffer severe and grievous injuries, to the extent of which will be described more fully hereinafter.

8. The Defendant, **GARY GANTT, JR.**, was operating the vehicle on behalf of Defendant **PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN**

COMPANY, INC, as agent, servant, workman, employee, or family member and in the course and scope of his employment and or in the alternative had permission to operate his vehicle for personal matters at the time of the motor vehicle accident.

9. At all times relevant hereto the Defendants, were careless and negligent, jointly and severally and/or individually in the operation of the vehicle and liable to Plaintiff in that they:

- a. failed to keep a proper lookout for Plaintiff and other vehicles lawfully upon the highway;
- b. failed to keep the motor vehicle under proper and adequate control under the circumstances;
- c. failed to note the point and position of the Plaintiff's motor vehicle upon the highway when merging/turning;

10. As a result of the negligence and carelessness of the Defendants as aforesaid, the Plaintiff, ERESE ROSEMBERT, was caused to sustain serious and permanent personal injuries and scarring in, on and about her person, more particularly: shoulder surgery, detached tear at anteroinferior labrum with joint dislocation, cervical sprain and strain, thoracic sprain and strain, lumbar sprain and strain, headaches, with resultant injuries to nerves, muscles ligaments, discs, bones, cartilage and blood vessels thereof, possible aggravation, activation, precipitation, instigation, and aggravation of any pre-existing asymptomatic conditions and other severe injuries in, on about her body; all of which have caused her great pain, suffering and inconvenience and have prevented her from attending to her usual and customary duties, avocations and occupations, all of which have caused her to sustain great financial damage and a loss of earning and earnings power, all of which may continue for an indefinite time into the future and may be permanent in nature and character.

11. As a result of the aforesaid accident, Plaintiff has undergone great physical pain and mental anguish to her great detriment and loss and has suffered a loss of life's pleasures and she will continue to endure the same for an indefinite time into the future and the same may be permanent in nature and character.

12. As a result of this accident, Plaintiff, ERESE ROSEMBERT, has been obliged to expend large sums of money for medical care and medicine in an effort to effect a cure of the aforesaid injuries and she may be obliged to expend such sums for an indefinite time into the future, to her great detriment and loss and a claim is hereby made against the Defendants for payment of said medical expenses in accordance with 75 Pa. C.S. § 1701, et seq.

13. As a direct and reasonable result of the accident aforementioned, Plaintiff has or may have incurred wage losses and/or a loss of earnings power, the sums of which may exceed sums recoverable under 75 Pa. C.S. § 1701, et seq.

14. As a further result of the negligence of the Defendants aforesaid, Plaintiff was, and may in the future be prevented from attending to her usual daily duties and occupations, thereby causing her great inconvenience and a loss of earnings and earning capacity, all to her great loss and detriment.

15. As a result of the aforesaid accident and injuries resulting there from, Plaintiff has suffered a diminution in her ability to enjoy life and life's pleasures, and said diminution is or may be permanent in nature and character.

16. The plaintiff is full tort.

WHEREFORE, Plaintiff, ERESE ROSEMBERT, demands judgment against the Defendants, GARY GANTT, JR and PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC, jointly and severally and/or individually in an amount in excess of FIFTY THOUSAND DOLLARS (\$50,000.00).

COUNT II

ERESE ROSEMBERT vs. PHILADELPHIA SIGN COMPANY d/b/a
a/k/a PHILADELPHIA SIGN COMPANY, INC

17. Plaintiff, ERESE ROSEMBERT hereby avers that she is the Plaintiff in this matter and incorporates by reference the allegations contained in Paragraphs 1-16, inclusive as if same were herein set forth at length.

18. Defendant, PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC, owed a duty of care to ERESE ROSEMBERT.

19. The duty consisted of not renting, leasing nor allowing the use of a motor vehicle that they owned, to an individual whom they knew or should have known was incapable of operating a motor vehicle in a manner that was consistent/in compliance with the Pennsylvania Motor Vehicle Code and further, in the exercise of reasonable care, should have known that Defendant, GARY GANTT, JR had propensities toward the negligent operation of a motor vehicle.

20. Despite the aforementioned knowledge, Defendant rented, leased, or allowed a motor vehicle that they owned to be used by GARY GANTT, JR.

21. At all relevant times, Defendant, GARY GANTT, JR was incapable of operating a motor vehicle in a manner that was consistent/in compliance with the Pennsylvania Motor Vehicle Code.

22. Defendant, GARY GANTT, JR operated the relevant motor vehicle in a negligent manner that has already been described.

23. In addition, and/or in the alternative, Plaintiff avers that Defendant, PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC, was negligent in that they:

- a. negligently entrusted their vehicle to Defendant, GARY GANTT, JR who acted carelessly and negligently as set forth above;
- b. negligently entrusted their vehicle to an individual whom they knew or should have known could not properly operate a motor vehicle;
- c. violated Section 307 of the Restatement of Torts (2d); and
- d. violated Section 308 of the Restatement of Torts (2d);
- e. violated 75 Pa C.S. § et seq.

24. As stated previously the negligence of Defendant, GARY GANTT, JR, in the operation of the motor vehicle was a proximate cause of the aforementioned injuries/damages of Plaintiff, ERESE ROSEMBERT.

25. The negligence of Defendant PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC, was a proximate cause of the aforementioned injuries that Plaintiff, ERESE ROSEMBERT received in the relevant accident.

26. The Plaintiff is full tort.

WHEREFORE, Plaintiff, ERESE ROSEMBERT demands judgment, costs and interests against the Defendant, PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC in an amount in excess of FIFTY THOUSAND DOLLARS, (\$50,000.00).

COUNT III

ERESE ROSEMBERT vs. PHILADELPHIA SIGN COMPANY d/b/a
a/k/a PHILADELPHIA SIGN COMPANY, INC

27. Plaintiff, ERESE ROSEMBERT hereby avers that she is the Plaintiff in this matter and incorporates by reference the allegations contained in Paragraphs 1-26, inclusive as if same were herein set forth at length.

28. The Defendant, GARY GANTT, JR, was operating the vehicle on behalf of Defendant PHILADELPHIA SIGN COMPANY d/b/a, a/k/a PHILADELPHIA SIGN COMPANY, INC, as agent, servant, workman, employee, or family member and in the course and scope of his employment and or in the alternative had permission to operate his vehicle for personal matters at the time of the motor vehicle accident.

29. The Plaintiff is full tort.

WHEREFORE, Plaintiff, ERESE ROSEMBERT demands judgment, costs and interests
against the Defendant, PHILADELPHIA SIGN COMPANY d/b/a, a/k/a
PHILADELPHIA SIGN COMPANY, INC in an amount in excess of FIFTY THOUSAND
DOLLARS, (\$50,000.00).

Respectfully submitted,

ROBERT KATZ, ESQUIRE
Attorney for Plaintiff
Erese Rosembert

COMMONWEALTH OF PENNSYLVANIA:

COUNTY OF PHILADELPHIA:

VERIFICATION

I, ERESE ROSENBERT, am the Plaintiff in the within action and state that the facts set forth in the foregoing Pleadings are true and correct to the best of my knowledge, information and belief, and that this statement is made subject to the penalties of 18 Pa. C.S.A. 4904 relating to unsworn falsification to authorities.

BY  X
ERESE ROSENBERT

EXHIBIT "B"

LAW OFFICES OF ROBERT KATZ

BY: ROBERT KATZ, ESQUIRE
I.D. No.: 45016
BY: TIMOTHY A. LESINSKI, ESQUIRE
I.D. No.: 207438
275 E. Township Line Road
P.O. Box 1413
Havertown, PA 19083
(610) 789-3240

MAJOR NON-JURY.



Attorneys for Plaintiff,
Erese Rosembert

ERESE ROSEMBERT	:	COURT OF COMMON PLEAS
<i>Plaintiff</i>	:	PHILADELPHIA COUNTY
	:	
-v.-	:	JULY TERM, 2017
	:	
GARY GANTT, JR	:	
and	:	NO.: 0036
PHILADELPHIA SIGN COMPANY d/b/a	:	
a/k/a PHILADELPHIA SIGN COMPANY, INC	:	
<i>Defendants</i>	:	

AFFIDAVIT OF SERVICE

I, Robert Katz, Esquire, hereby certifies that service of a true and correct copy of the Plaintiff's Civil Action Complaint was made in accordance with the Rules of Civil Procedure, on the following defendant by Certified Mail, Return Receipt Requested on July 5, 2017.

Mr. Gantt, Jr.
820 Camelot Court
Cinnaminson, NJ 08077-1567

By: /s/ Robert Katz
ROBERT KATZ, ESQUIRE
Attorney for Plaintiff,
Erese Rosembert


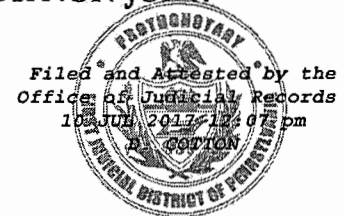
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature</p> <p>X <i>Ahmad Grant</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:</p> <p><i>Gary Gantt, Jr</i> <i>820 Camelot Court</i> <i>Cinnaminson, NJ 08077-1567</i></p>  <p>9590 9402 2472 6306 0031 39</p>	<p>B. Received by (Printed Name) <i>Ahmad Grant</i> C. Date of Delivery <i>7/5/17</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7016 0750 0000 1458 3214</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>																	

EXHIBIT "C"

LAW OFFICES OF ROBERT KATZ

BY: ROBERT KATZ, ESQUIRE
I.D. No.: 45016
BY: TIMOTHY A. LESINSKI, ESQUIRE
I.D. No.: 207438
275 E. Township Line Road
P.O. Box 1413
Havertown, PA 19083
(610) 789-3240

MAJOR NON-JURY.



Attorneys for Plaintiff,
Erese Rosembert

ERESE ROSEMBERT	:	COURT OF COMMON PLEAS
<i>Plaintiff</i>	:	PHILADELPHIA COUNTY
	:	
-v.-	:	JULY TERM, 2017
	:	
GARY GANTT, JR	:	
and	:	NO.: 0036
PHILADELPHIA SIGN COMPANY d/b/a	:	
a/k/a PHILADELPHIA SIGN COMPANY, INC	:	
<i>Defendants</i>	:	

AFFIDAVIT OF SERVICE

I, Robert Katz, Esquire, hereby certifies that service of a true and correct copy of the Plaintiff's Civil Action Complaint was made in accordance with the Rules of Civil Procedure, on the following defendant by Certified Mail, Return Receipt Requested on July 3, 2017.

Philadelphia Sign Company
d/b/a Philadelphia Sign Company, Inc.
707 West Spring Garden Street
Palmyra, NJ 08065

By: /s/ Robert Katz
ROBERT KATZ, ESQUIRE
Attorney for Plaintiff,
Erese Rosembert

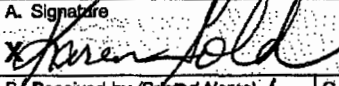
SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p>Philadelphia Sign Company 707 West Spring Garden Street Palmyra, NJ 08065</p>		<p>B. Received by (Printed Name) Karen Gold</p>	<p>C. Date of Delivery</p>
<p>2. Article Number (Transfer from service label)</p> <p>7016 0750 0000 1458 3221</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>		<p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
<p>9590 9402 2472 6306 0029 96</p>		<p>Domestic Return Receipt</p>	

EXHIBIT "D"

FILED
16 OCT 2017 04:29 pm
Civil Administration
M. STIPA

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

ERESE ROSEMBERT	:	
	:	
v.	:	
GARY GANTT, JR and	:	No. 170700036
PHILADELPHIA SIGN CO., INC.	:	

CASE MANAGEMENT CONFERENCE MEMORANDUM

Filing party: Plaintiff, Erese Rosembert By: Timothy A. Lesinski, Esq.
Counsel's address and telephone number (IMPORTANT) P.O. Box 1413, Havertown, PA 19083
(610)789-3240

Part A
(to be completed in personal injury cases)

1. Date of accident or occurrence: November 4, 2015
2. Date of Birth of your client: August 16, 1987
Unknown ____ Decline to provide ____

NOTE: Date of birth information is intended for the Court's use only. The information will not be made available to the public.

3. Most serious injuries sustained: Anterior dislocation of right humerous, with subacute Hill-Sachs lesion and focal detached anteroiferior labral tear with posterior stripping

4. Is there any permanent injury claimed? Yes x No ____

If yes, indicate the type of permanent injury: See Above

-
5. Dates of medical treatment: 11/04/15- Present
 6. Is medical treatment continuing? Yes x No ____
 7. Has there been an inpatient hospitalization? Yes ____ No x

8. Has there been any surgery? Yes x No

If yes, indicate the type of surgery: right shoulder anterior capsular labral reconstruction and posterior inferior capsulorrhaphy.

9. Approximate medical bills to date: \$ tbd

10. Approximate medical bills recoverable in this case: \$tbd

11. Are there any existing liens (Workers Compensation, DPW, Medical, etc.)? Yes x No

If yes, what type and approximate amount? tbd

12. Time lost from work: tbd

13. Approximate past lost wages: tbd

14. Is there a claim for future lost earning capacity? Yes x No

If yes, approximate future lost earning capacity: tbd

15. Are there any related cases or claims pending? Yes _____ No x

If so, list caption(s) or other appropriate identifier: _____

16. Do you anticipate joining additional parties? Yes _____ No x

17. Plaintiff's factual position as to liability: Defendants' vehicle negligently merged into our lane of travel striking Plaintiff's vehicle.

18. Defense factual position as to liability: See defense memorandum.

19. Defense position as to causation of injuries alleged: See defense memorandum

20. Identify all applicable insurance coverage:

<i>Defendant</i>	<i>Insurance Carrier</i>	<i>Coverage Limits</i>
<u>ALL</u>	<u>Traveler's</u>	<u>Unknown</u>

21. Are there issues as to the applicability of the above insurance coverage: Yes___ No x

22. Demand: \$ 250,000 Offer: \$ 0

This form shall be presented to the Case Manager and copies served upon any party not served electronically by the court at the time of the conference. All present must be prepared to discuss its contents.